

REMARKS

I. INTRODUCTION

No new matter has been added. Claim 4 has been amended. Applicants wish to thank the Examiner for allowing claims 7 and 8. Thus, claims 1-8 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

Applicants respectfully request the Examiner to enter the above amendments because the only amendment merely fixes a typographical error in claim 4.

III. THE 35 U.S.C. § 112 REJECTIONS SHOULD BE WITHDRAWN

Claims 4-8 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 4 recites, “the pivotal axis” but lacks any positive antecedent basis. (See 09/25/08 Office Action, p. 2).

Claim 4 has been amended to recite, “the pivot axis.” Antecedent basis for this can be found in claim 1. As such, Applicants submit that the 35 U.S.C. § 112 should be withdrawn. Because claims 5-8 depend from, and therefore include all the limitations of claim 4, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 4.

III. THE 35 U.S.C. § 102(b) and 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,010,704 to Story (hereinafter “Story”) or under 35 U.S.C. § 103(a) as being an obvious modification of Story. (See 09/25/08 Office Action, p. 3).

Claim 1 recites, “wherein the pivot axis is positioned parallel to said cutting edge of each blade the pivot axis being adjustable to different locations on the blade assembly.” The Examiner asserts that the above recitation of claim 1 is taught in Story. (See 09/25/08 Office Action p. 3). Applicants respectfully disagree.

Story describes “a safety razor in which a substantially flat blade is clamped between a blade rest formed as a runner to bear and move upon the face, and a guard plate having guard fingers which cooperate with the cutting edge or edges of the blade ... a handle being provided which is adjustable relative to the blade and its holder and is capable of being locked in various positions.” (See Story, p. 1, col. 1, ll. 8-17). The guard plate is formed to bear on the inner side of the blade. (See Story, p.1, col. 2, ll. 83-84). The clamp is removable from the shank 13 to release the blade and guard plate. (See Story, p. 2, col. 1, ll. 5-7). Story teaches that the handle may be adjusted “at any desired angle relatively to the cutting edge or edges of the blade.” (See Story, p. 2, col. 1, ll. 61-64).

In rejecting the claim 1 the Examiner claimed that the above limitation of claim 1 is taught by Story by “moving threaded member 13 with respect to 20 through varying degrees of tightness such as by rotating 13 with respect to 20 180 degrees in either direction.” (See 09/25/08 Office Action p. 3). This, however, is incorrect. When screw-threaded shank 13 is rotated into clamp 20, there is no pivot motion. There is only a rotation about a fixed axis so screw-threaded shank can attach to clamp 20. This bears absolutely no relation to the “pivot axis” recited in claim 1. Claim 1 recites, “and **the apparatus has a grip portion** being pivotal relative to said blade assembly **about a pivot axis** wherein the pivot axis is positioned parallel to said cutting edge of each blade the pivot axis being adjustable to different locations on the blade assembly.” (emphasis added). The pivot axis is between the “grip portion” and the “blade assembly.” In Story, the screw-threaded shank 13 being attached to clamp 20 cannot teach the above limitation of claim 1 as it refers to dissimilar portions of a safety razor.

The Examiner further claims that the above limitation of claim 1 is taught “by moving/adjusting the handle to adjust the pivot axis to different locations shown in Fig. 2.” (See 09/25/08 Office Action p. 3). This is also incorrect. Claim 1 specifically recites, “wherein the

pivot axis is positioned parallel to said cutting edge of each blade the pivot axis **being adjustable to different locations on the blade assembly.**” (emphasis added). The handle, from Story, is maintained at a fixed point on the blade. For example, in figure 2, the grip portion attaches to the blade portion at point 13. Story cannot adjust the point at which the grip portion attaches to the blade portion. Therefore, Story cannot be “adjustable to different locations on the blade assembly,” as recited in claim 1.

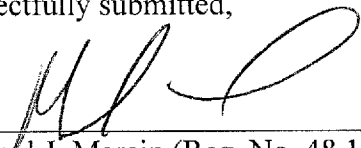
The Examiner further asserts that, “in the alternative, if it is argued that there is no disclosure of such a function, it would have been obvious to one having ordinary skill in the art to make the invention.” (See 09/25/08 Office Action p. 3). The Examiner, however, has provided no basis for this assertion. To make the pivot axis between the grip portion and the blade portion of Story adjustable to a different location on the blade portion would require a radical redesign of the entire safety razor in Story. Nothing in the disclosure or the picture suggests a modification of this type, nor is there any anticipation of this feature. Therefore, Applicants submit that it would not have been obvious to one having ordinary skill to modify story to include the above limitation of claim 1. Thus, Applicants submit that claim 1 is patentable over Story. Because claims 2-7 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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